

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 17: Case Closure</b>	<b>Effective Date: 12/08/2021</b>
	<b>Section 21: Non-Custodial Parent Has Medically Verified Total and Permanent Disability with No Evidence of Support Potential (CSSI)</b>	<b>Version: 1.1 Revision Date: 12/08/2021</b>

**BACKGROUND**

Closing a case when the non-custodial parent (NCP) has, and will continue to have, a medically verified total and permanent disability throughout the duration of the child’s minority (or after the child has reached the age of majority) and has no evidence of support potential is a manual/auto closure process. In the manual/auto closure process, the statewide child support system does not automatically recognize the case closure criteria, but the Title IV-D Prosecutor’s Office knows certain facts that make the case eligible for case closure and takes the initiating case closure step. An intent to close notice to the custodial party (CP) or other tribunal is required for the case closure reasons that use the manual/auto process.

When the Title IV-D Prosecutor’s Office enters the case closure reason in the statewide child support system, an intent to close notice is automatically generated. This notice gives the party 60 days to contact the Title IV-D Prosecutor’s Office to request the case remain open or provide information that would make case closure inappropriate. After this 60 day period passes, the auto closure process determines whether the closure criteria still exists and if the closure process has been cancelled. If the criteria still exists and the process has not been cancelled, the case is automatically closed to Title IV-D services.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

**POLICY**

The Title IV-D Prosecutor’s Office may close a case due to the NCP’s disability when the following occurs:

1. The Title IV-D Prosecutor’s Office determines the NCP has, and will continue to have, a medically verified total and permanent disability for the duration of the child’s minority (or after the child has reached the age of majority);
2. The Title IV-D Prosecutor’s Office determines that the NCP has no income or assets available above subsistence level that may be attached for child support; and
3. There is no evidence of the NCP’s support potential.<sup>1</sup>

When the Title IV-D Prosecutor’s Office becomes aware that a case meets these criteria, the Title IV-D Prosecutor’s Office may wish to review the history of the case and payment history to determine the likelihood of future payments. If the Title IV-D Prosecutor’s Office believes future payments are likely, the Title IV-D Prosecutor’s Office may choose to not initiate the case closure process.

<sup>1</sup> 45 C.F.R. § 303.11(b)(8)

## REFERENCES

- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11\(b\)\(8\)](#): Case closure criteria

## PROCEDURE

### 1. Case Management When the NCP Has a Medically Verified Total and Permanent Disability

When the Title IV-D Prosecutor's Office learns the NCP has, and will continue to have, a medically verified total and permanent disability for the duration of the child's minority (or after the child has reached the age of majority) and has no evidence of support potential the Title IV-D Prosecutor's Office enters the case closure code in the statewide child support system. The intent to close notice is automatically generated by the statewide child support system. After 60 days, the statewide child support system verifies the case closure process has not been cancelled.

The Title IV-D Prosecutor's Office shall make notes in the statewide child support system concerning the determination of a medically verified total and permanent disability and that there is no evidence of child support potential.<sup>2</sup>

If any documentation has been provided to the Title IV-D Prosecutor's Office to support this determination, the Title IV-D Prosecutor's Office shall keep a copy of the documentation in the paper or electronic case file.<sup>3</sup> The Title IV-D Prosecutor's Office has discretion as to the documentation required to determine the NCP suffers a medically verified total and permanent disability. Examples of acceptable documentation include, but are not limited to, a determination by the Social Security Administration, a statement by the NCP's doctor, medical records, or court testimony.

### 2. Determining Whether the Case Should Close

If the Title IV-D Prosecutor's Office determines the case should not close, the Title IV-D Prosecutor's Office may cancel the case closure process in the statewide child support system.

### 3. Case Type and Status Upon Closure

When a Title IV-D case is closed for this manual/auto closure reason, the case closes to Title IV-D services and becomes a non-Title IV-D (NIVD) case.<sup>4</sup> The statewide child support system determines at the time of closure if the case will be an open NIVD case or a closed NIVD case based on whether there is a current child support obligation or an arrears balance. If there is a current child support obligation and/or an arrears balance, the case will be an open NIVD case. If there is not a current child support obligation or an arrears balance, the case will be a closed NIVD case.

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<sup>2</sup> 45 C.F.R. § 303.2(c)

<sup>3</sup> 45 C.F.R. § 303.2(c)

<sup>4</sup> An exception to this is that a DCS child welfare case will close to Title IV-D services, but does not change case type.

## FORMS AND TOOLS

1. [Case Closure Checklist Why Didn't My Case Close](#)
2. [Case Closure Complete Guide](#)
3. [Case Closure Desktop Guide](#)
4. [Case Closure Matrix How It Works](#)

## FREQUENTLY ASKED QUESTIONS

1. Q. If the Title IV-D Prosecutor's Office learns the NCP is permanently disabled, is it proper for the Title IV-D Prosecutor's Office to initiate a review and adjustment of the child support order?  
  
A. Yes. The Title IV-D Prosecutor's Office is strongly encouraged to initiate a review and adjustment whenever the Title IV-D Prosecutor's Office learns that a substantial and continuing change of circumstances has occurred (e.g., a party has become disabled, has been incarcerated, has suffered a reduction of income, etc.).<sup>5</sup>
2. Q. If the NCP has not been approved for Social Security Disability (SSD) or Supplemental Security Income (SSI), may the NCP parent still be determined to have a total and permanent, medically verified disability?  
  
A. Yes. A person may have a total and permanent disability without having applied for or been approved for Social Security benefits.
3. Q. What is the difference in this case closure reason and CSID?  
  
A. CSSI is based on the NCP having a medically verified total and permanent disability. CSID is based on the NCP's sole source of income being from SSI benefits or a combination of SSI and SSD benefits. A person may have a medically verified total and permanent disability and not receive SSI or SSD either because the person has not applied for SSI or SSD or is waiting on SSI or SSD approval. A person may receive SSI or SSD benefits but not have a total and permanent disability such as when a person is unable to work full-time for a certain period due to injury or illness, but is expected to recover and return to full-time employment.
4. Q. When a CP receives the intent to close notice for this case closure reason and contacts the Title IV-D Prosecutor's Office and asks that the case remain open, may the Title IV-D Prosecutor's Office cancel or proceed with case closure? Does it matter if the CP provides new or additional information?  
  
A. If the CP provides new or additional information that could assist the Title IV-D Prosecutor's Office in working the case, then the Title IV-D Prosecutor's Office is strongly encouraged to cancel the case closure and proceed with working the case. However, if the CP does not provide new or additional information, then the Title IV-D Prosecutor's Office has the discretion as to whether to cancel or proceed with case

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<sup>5</sup> See Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 4: Review and Adjustment Procedures, for more information

closure. Regardless of whether the CP provides new or additional information or not, the Title IV-D Prosecutor's Office shall document the correspondence or conversation with the CP in the statewide child support system.<sup>6</sup>

#### RELATED INFORMATION

The ISETS case closure code is CSSI.

Chapter 13: Review and Adjustment/Modification of the Child Support Order, Section 2:  
Review and Adjustment Procedures

#### REVISION HISTORY

Version	Date	Description of Revision
Version 1	12/18/2018	Final Approved Version
	03/11/2020	Changed Section number from 20 to 21.
Version 1.1	12/08/2021	Added FAQ regarding when CP responds to the notice of intent to close. Clarified factors to consider when determining to close the case.

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<sup>6</sup> 45 C.F.R. § 303.2(c)